

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DEF
C/m

-----x
LINDA VELEZ,

Plaintiff,

-against-

ORDER

No. 04-CV-4797 (FB) (CLP)

BETSY SANCHEZ, YOLANDA MUNOZ. and
SHARI MUNOZ,

Defendants.
-----x

Appearances:

For the Plaintiff:

ANDREW J. FIELDS, Esq.
International Womens Human Rights Clinic
65-21 Main Street
New York, NY 11367

For the Defendants:

SHELDON G. KARASIK, Esq.
Karasik & Associates LLC
28 West 36th Street
New York, NY 10018

BLOCK, Senior District Judge:

Before the Court is defendants' motion to dismiss plaintiff's amended complaint pursuant to Fed. R. Civ. P. 12(b)(6). For the reasons stated in open court on November 15, 2005, the Court orders as follows:

Plaintiff's first claim of relief (involuntary servitude under the United States Constitution) is dismissed on consent of the parties.

Plaintiff's twelfth claim of relief (breach of contract) is dismissed pursuant to Fed. R. Civ. P. 12(b)(6), as full performance of the oral contract in question by defendant Betsy Sanchez - including payment for plaintiff's future college education - was not possible within a year, and therefore the contract was invalid under the Statute of Frauds.

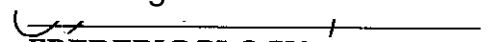
Plaintiff's fifteenth claim of relief (breach of duty under law) is dismissed pursuant to Fed. R. Civ. P. 12(b)(6), as no private right of action exists under New York's

compulsory education law.

Since defendants have presented matters outside the pleadings in the form of affidavits, the Court converts defendants' motion for judgment on the pleadings to a motion for summary judgment pursuant to Fed. R. Civ. P. 12(c). The resulting motion for summary judgment is stayed until completion of discovery, at which time the parties may submit additional papers in support of or in opposition to the motion. The parties shall comply with the Court's rules regarding the filing of motion papers.

SO ORDERED.

Brooklyn, New York
November 15, 2006

/signed/

FREDERIC BLOCK
Senior United States District Judge